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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,658	06/19/2001	Stephen J. Boies	YOR920010179US1	4477

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EXAMINER

KNOWLIN, THJUAN P

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,658

Applicant(s)

BOIES ET AL.

Examiner

Thjuan P Knowlin

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections – 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-7, 9-16, 18-23, 25-29, and 31-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Bolduc et al (US 6,195,426).
2. In regards to claims 1, 14, 18, 31, and 28, Bolduc discloses a method, computer program product, and system for providing customized information to a user placed in a queue, comprising: receiving a communication from a user; placing the user communication in queue; identifying the user; consulting a database of customized information content; receiving a response from the database (database 160) according to user identity; and presenting customized information content to the user (Abstract, Summery, col. 2 lines 42-60, and col. 3 lines 48-60).
3. In regards to claims 2, 19, and 21, Bolduc discloses the method and computer program product, wherein the response received from the database comprises customized information content (col. 2 lines 42-60).

4. In regards to claims 3, 4, and 20, Bolduc discloses the method and computer program product, wherein the response received from the database comprises a pointer (adjunct processor 150) to customized information content (col. 3 lines 27-47).
5. In regards to claims 5 and 32, Bolduc discloses the method and system, wherein the communication is by means of a telephone (col. 2 lines 42-48 and col. 3 lines 7-25).
6. In regards to claims 6, 22, and 33, Bolduc discloses the method, computer program product, and system, wherein the queue is a telephone hold queue (col. 3 lines 7-25).
7. In regards to claims 7, 11, 23, and 25, Bolduc discloses the method and computer program product, wherein the user is identified by means of an originating telephone number, a customer identifier, and an account identifier (col. 2 lines 42-48 and col. 3 lines 40-47).
8. In regards to claims 9 and 10, Bolduc discloses the method, wherein the database of customized information content is maintained on a remote server (Fig. 1 and queue system 200).
9. In regards to claims 12 and 26, Bolduc discloses the method and computer program product, wherein the customized information content includes shopping preference (col. 2 lines 48-54).
10. In regards to claims 13 and 27, Bolduc discloses the method and computer program product, further comprising: allowing the user to communicate with other parties while in the queue (col. 7 lines 6-26).

11. In regards to claims 15 and 29, Bolduc discloses the method and computer program product, further comprising: sending an interrupt message to a device when the user is removed from the queue (col. 7 lines 27-29).

12. In regards to claim 16, Bolduc discloses the method, wherein the customized information content is presented by means of audible and visual (col. 2 lines 61-64 and col. 6 lines 43-54).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 8, 17, 24, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolduc et al (US 6,195,426).

14. Bolduc discloses all of claims 8, 17, 24, and 30 limitations, except the method and computer program product, further comprising: estimating the length of time the user will be in the queue. However, Examiner takes office notice that it is well known in the art, for a user in queue, to be given his or her estimated wait/hold time. By being given an estimated length of time he or she will be in queue, the user can decide on whether or not it is to their benefit, to remain on hold or terminate the call.

Conclusion


15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brown et al (US 6,601,041) teach a method of providing targeted advertisements to a computer mediated communications network. Augeri (US 6,636,887) teaches a tele-jam system and method for real-time musical interaction.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (703) 308-1727. The examiner can normally be reached on Mon-Fri 8:00-4:30pm.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703)305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin
March 22, 2004


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600